

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Cohen et al.	Examiner:	San Ming R. Hui
Serial No:	10/713,843	Art Unit:	1617
Filed:	November 15, 2003	Docket:	02.14US
For:	TRANSPARENT CONCEALING COSMETIC COMPOSITIONS	Dated:	April 24, 2007

Confirmation No.: 2762

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.121

Sir/Madam,

In the Office Action dated April 18, 2007 for the above-identified patent application, the Examiner alleged that the following three (3) families each cover multiple patentably distinct species and required election of a single species from each family:

- (a) transparent components;
- (b) non-interference platelet components having an average particle size of 25 μ or less and exhibiting a light transmission value of about 20% to about 70% and a light reflectance value of about 10% to about 20%; and
- (c) supplemental non-interference platelet components having a light transmission value of less than about 20%.¹

In response, Applicants hereby elect: (1) **a glass bead as the representative species for**

¹ The April 18, 2007 Office Action stated that the claims of the present application are "directed to the following patentably distinct species: (a) transparent component; (b) a non-interference platelet, and (c) a non-interference platelet" (see the Office Action, page 2, lines 3-5). The undersigned attorney contacted the Examiner by phone on April 23, 2007, and the Examiner indicated over the phone that the required election is among species within each of the three families (a), (b), and (c), not between such families.

the transparent components covered by family (a) specified hereinabove (the support of which can be found in the instant specification, page 3, lines 16-20); (2) **an alumina flake as the representative species for the non-interference platelet components covered by family (b) specified hereinabove** (the support of which can be found in the instant specification, page 4, lines 23-24); and (3) **a bismuth oxychloride platelet as the representative species for the supplemental non-interference platelet components covered by family (c) specified hereinabove** (the support of which can be found in the instant specification, page 5, lines 30-33).

Among pending claims 1-24 of the present application, claims 1-14 read upon the elected species, i.e., the glass bead, for family (a), while claims 1-2 and 4-14 are generic to all species of transparent components covered by family (a).

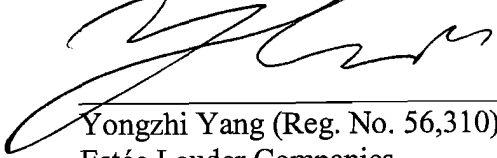
Among pending claims 1-24 of the present application, claims 1-4, 6-14, and 16-24 read upon the elected species, i.e., the alumina flake, for family (b), while claims 1-3, 6-14, and 16-24 are generic to all species of non-transparent platelet components covered by family (b).

Among pending claims 1-24 of the present application, claims 1-7, 10-14, 18, and 21 read upon the elected species, i.e., the bismuth oxychloride platelet, for family (c), while claims 1-5, 10-14, 18, and 21 are generic to all species of supplemental non-transparent platelet components covered by family (c).

As indicated by the Examiner in the April 18, 2007 Office Action, upon allowance of the generic claims (e.g., claims 1 and 11), Applicants will be entitled to consideration of claims directed to the non-elected species covered by families (a)-(c) and which either depend from or otherwise require all the limitations of claim 1 or 11.

Correspondingly, Applicants request the Examiner to continue examination of the present application on the basis of the foregoing elections and remarks.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Yongzhi Yang', is written over a horizontal line.

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